

Date: July 24, 2002

To: Chairman Getman and Commissioners Downey, Knox, and Swanson

From: Mark Krausse, Executive Director

EXECUTIVE DIRECTOR'S REPORT

This is a summary of administrative and division activity since the report sent to you prior to the July Commission meeting.

A. PERSONNEL/BUDGET

Executive Fellow Scott Burritt, nearing the end of his fellowship, has accepted a position with the Los Angeles City Department of Neighborhood Empowerment. Scott joined the Commission with no legislative experience, but quickly took charge of the legislative program and several special projects. His performance, attitude and contributions have been stellar, and we will greatly miss him.

Legal Intern Anthony Pane, who has volunteered in the Legal Division this summer, will complete his internship on August 2, 2002. His dedication to public service is appreciated. Anthony will begin his second year of law school at McGeorge this fall.

B. STAFF PROJECTS AND ACTIVITIES

The Public Education Unit has completed two survey responses, and is in the process of drafting a third, in preparation for the annual conference of the Council on Governmental Ethics Laws this fall. The unit is working on the second draft of a booklet answering commonly asked questions about probable cause proceedings at the agency. PEU has completed a procedures manual for posting and managing documents on the Commission's web site, and is, together with a new publications working group, developing ideas to better coordinate the production of agency publications.

Technical Assistance Division personnel provided outreach visits to the cities of Huntington Park, Cypress and Delano, and to the state Departments of Food and Agriculture and Fair Employment and Housing, the state Water Resources Control Board, and the Placer County Recreation Off-road Vehicle District, and provided a conflict-of-interest code review for local and multi-county agencies in Oakland. In addition, SEI Unit Manager Dixie Howard spoke to the Southern California City Clerks' Association in West Hollywood.

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Legal Division General Counsel Luisa Menchaca addressed the Sacramento County Bar Association's Administrative Law Section on the subject of conflict-of-interest codes. Commission Counsel Scott Tocher will speak to representatives of the central government of Hong Kong regarding the Political Reform Act.

C. CONFLICT OF INTEREST CODES/AMENDMENTS

No codes or amendments were approved since the last report.

D. FINDINGS OF PROBABLE CAUSE

Pursuant to regulation 18361, I have found evidence in the following cases sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that the following respondents committed or caused a violation of the Political Reform Act. **This finding of probable cause does not constitute a finding that a violation has actually occurred. The respondents are presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding.**

In the Matter of Elihu Harris, FPPC No. 98/271. On May 30, 2002, probable cause was found to believe that respondent, a former mayor of Oakland, made two governmental decisions in which he had a financial interest, in violation of Government Code § 87100 (2 counts).

In the Matter of Margaret Sabovich, FPPC No. 01/0432. On May 29, 2002, probable cause was found to believe that respondent, as a designated employee of the California Technology, Trade and Commerce Agency, failed to timely file a year 2000 annual statement of economic interests, in violation of Government Code § 87300 (1 count).

In the Matter of Gordon McGinnis, Friends of Gordon McGinnis, and Dena McGinnis, FPPC No. 00/619. On May 28, 2002, probable cause was found to believe that respondents, an unsuccessful San Bernardino County supervisorial candidate, his controlled committee and committee treasurer, failed to file four semi-annual campaign statements for reporting periods occurring between February 20, 2000 and December 31, 2001, for the March 7, 2000, county election in violation of Government Code § 84200 (a) (4 counts).

In the Matter of Donald Wesson, FPPC No. 01/0550. On May 20, 2002, probable cause was found to believe that respondent, as a planning commissioner of the City of Delano, failed to timely file a year 2000 annual statement of economic interests, in violation of Government Code § 87200 (1 count).

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In the Matter of Tahnya E. Ballard, Ratepayers for Tahnya Ballard, and Patricia Austin, FPPC No. 01/156. On May 13, 2002, probable cause was found to believe that respondents, an unsuccessful candidate for a Sacramento Municipal Utility District board seat, her committee and committee treasurer: failed to timely file two semi-annual campaign statements, in violation of Government Code § 84200.7 (a) (2 counts); failed to properly report contributor information for contributions of \$100 or more, in violation of Government Code § 84211 (f) (1 count); failed to properly report expenditure information for expenditures of \$100 or more, in violation of Government Code § 84211 (k) (1 count); and failed to maintain detailed campaign records, in violation of Government Code § 84104 (1 count).

In the Matter of Gopal Chaturvedi, FPPC No. 01/721. On May 13, 2002, probable cause was found to believe that respondent, as a member of the Respiratory Care Examining Committee and a designated employee of the Department of Consumer Affairs, failed to timely file a year 2000 annual statement of economic interests, in violation of Government Code § 87300 (1 count).

In the Matter of J. Agapito Fajardo, Friends Of Pete Fajardo, Antonio San Jose, and Natividad Odal, FPPC No. 97/046. On April 11, 2002, probable cause was found to believe that one or more of the respondents, a successful mayoral candidate in the City of Carson, his controlled committee and two individuals who served successively as treasurer of that committee: accepted cash loans and made a cash expenditure, in violation of Government Code § 84300 (3 counts); failed to itemize contributions, in violation of Government Code § 84211 (4 counts); failed to itemize expenditures, in violation of Government Code § 84211 (5 counts); failed to maintain detailed accounts, records, bills and receipts that are necessary for preparing campaign statements, in violation of Government Code § 84104 (5 counts); failed to disclose loans, and the true source of a loan, received by the committee, in violation of Government Code § 84211 (3 counts); failed to make campaign expenditures from, and deposit campaign contributions into, a single campaign bank account, in violation of Government Code § 85201 (2 counts); failed to disclose the true source of a loan while acting as an intermediary, in violation of Government Code § 84302 (1 count); and failed to disclose the true payees of expenditures made by committee volunteers, in violation of Government Code § 84303 (1 count).

In the Matter of James Lotter, FPPC No. 01/0276. On February 13, 2002, probable cause was found to believe that respondent, as a member and designated employee of the Gualala Municipal Advisory Council, failed to timely file a year 2000 annual statement of economic interests, in violation of Government Code § 87300 (1 count).